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CASE PH7269 DIV1

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Mary K. VanAtten

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April 4, 2005

Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Robert Cherney

APPLICATION NO: 10/706,448

FILED: November 12, 2003

FOR: CYCLIC DERIVATIVES AS MODULATORS OF CHEMOKINE
RECEPTOR ACTIVITY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the restriction requirement dated March 10, 2005, Applicants respectfully elect Group I, drawn to compounds of formula (I). In response to the requirement to elect a single compound, Applicants elect example 35, disclosed on pages 120-121 of the instant application. However, Applicants understand this requirement for election of species is for initial examination purposes only, in accordance with MPEP §803.02, and not a requirement to restrict the scope of the generic and subgeneric claims of this application to such species. If the Office Action is a requirement to restrict the scope of the generic and subgeneric claims to the elected species, Applicants traverse this requirement. Such a requirement would be improper for the reasons stated in MPEP §803.02, first paragraph. Applicants reserve the right to divisional applications on unselected subject matter. Applicants further reserve the right to traverse the designation of the independent invention for examination.

Upon a finding of allowability of the composition of matter claims, Applicants request rejoinder of the method claims.

The application is now believed to be in condition for examination and notification thereof is respectfully requested.

Respectfully submitted,

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Date: April 4, 2005